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COMMENTS OF GOVERNMENTS ON THE REPORT OF THE WORKING GROUP ON A DRAFT STATUTE FOR AN INTERNATIONAL CRIMINAL COURT

Addendum

CONTENTS

Page

COMMENTS RECEIVED FROM MEMBER STATES

Cyprus . . . . . .

GE.94-61373 (E)

OBSERVATIONS RECEIVED FROM MEMBER STATES

CYPRUS

[Original: English]
[28 April 1994]

In Article 22 of the above Statute a new provision should be added to include as a crime the "organized, massive violation of human rights for political, religious reasons or reasons of race either in time of peace or armed conflict". Legal support for this crime can be found in the Nuremberg Court, more precisely in Article 6 (c) of the Statute where there is reference to "crimes against humanity including inhuman activities against civilian population before or after the armed conflict or prosecution for political, religious reasons or reasons of race".

The crime was linked with war crimes or crimes against peace (Schwarzenberg, International Law, Volume III, p. 496) but the provisions of this Draft Statute for an International Criminal Court do not differ significantly from the proposed addition. This addition is also justified if recent developments in International Law and human rights are taken into consideration. It could also be supported that the proposed international crime has been codified as part of Customary International Law as a result of the decision of the Security Council of the United Nations for the establishment of an Ad Hoc International War Crimes Tribunal for the Territory of the Former Yugoslavia (Security Council Resolution 827 (1993)). It should be also noted that the reference here is to "crimes against humanity" in relation to the application of Article 26 of the proposed Statute, which refers to international crimes not covered by Article 22.

Referring to proposed Article 23, [the Cyprus] Government would like to support alternative C (p.275 of the Report of the Commission on the work of its forty-fifth session).